

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOHN McCRAY, Sr.,**

**Defendant.**

**Case No. 05-cr-30027-DRH**

**MEMORANDUM & ORDER**

**HERNDON, District Judge:**

Before the Court is defendant John McCray, Sr.'s Request and Motion for Material the Government Intends to Offer Pursuant to Rule 404(b) of the Federal Rules of Evidence (Doc. 161). The Government has filed a Response (Doc. 176) to McCray's Motion, stating that the Rule 404(b) information intended for use at trial was previously provided to McCray's counsel via a letter, dated October 14, 2005, which is attached to the Response. Further, in an effort for continued compliance in the event such letter is *not* seen as a sufficient Rule 404(b) disclosure, the Government makes this disclosure part of its Response. McCray has not communicated further that such disclosure is inadequate. Therefore, as McCray's

request has already been fulfilled, the Court hereby **FINDS AS MOOT** the instant Motion (Doc. 176).

**IT IS SO ORDERED.**

Signed this 25<sup>th</sup> day of October, 2006.

/s/ David RHerndon  
**United States District Judge**